

Decision 06-06-021 June 15, 2006

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking for Purposes of Amending the Rules of Practice and Procedure to Reflect Internet Access to the Agenda and Agenda Item Documents.

Rulemaking 05-07-015
(Filed July 21, 2005)

OPINION ADOPTING AMENDMENT TO RULE 3.4

Order Instituting Rulemaking (R.) 05-07-015 proposed amendments to Rules 79 and 80 of the Commission's Rules of Practice and Procedure to eliminate, for the most part, subscription service for the agenda and agenda item materials, and gave notice of the Commission's intent to cancel subscription service for the Daily Calendar. The Commission determined that, as these documents are easily available to the public from the Commission's Internet site, it is reasonable to eliminate subscription service to reduce the administrative burden. After notice in the California Regulatory Notice Register (August 5, 2005) and the opportunity for comment, the Commission adopted the proposed amendments and ended our Daily Calendar subscription service. (Decision (D.) 05-11-015.) The Office of Administrative Law approved the rules amendments on January 12, 2006.

The rulemaking inadvertently overlooked the provision of Rule 3.4 which provides for Daily Calendar subscription service. We issued D.06-04-015 reopening this proceeding to take comment on a modification to Rule 3.4 to eliminate Daily Calendar subscription service consistent with our earlier

statement of intent. No comments were received during the comment period. Consequently, no changes have been made to the proposed rule.

The proposed modification reduces administrative burden while preserving enhanced access to Commission documents consistent with the rule modifications and statement of intent adopted in D.05-11-015.

Assignment of Proceeding

John A. Bohn is the Assigned Commissioner and Hallie Yacknin is the assigned Administrative Law Judge in this proceeding.

Comments on Draft Decision

This decision is exempt from public review and comment pursuant to Pub. Util. Code § 311(g)(3) and Rule 77.7(f)(8).

Findings of Fact

1. The proposed amendment to Rule 3.4, Rules of Practice and Procedure (Title 20, Division 1, Chapter 1 of the California Code of Regulations), as proposed to be amended in D.06-04-015, would reasonably meet the requirements of Pub. Util. Code § 311.5 and Gov. Code §§ 11125 and 11125.3 by preserving enhanced access to Commission documents while reducing administrative burden. The proposed amendment to Rule 3.4 is shown in the appendix to today's decision.

2. The proposed amendment to Rule 3.4 is sufficiently related to the proposed rules amendments noticed in the Commission's Notice of Proposed Regulatory Action printed in the California Regulatory Registry of August 5, 2005 (Register 2005, No. 31-Z, pp. 1141-1142).

3. The comment period remained open for 21 days following the issuance of D.06-04-015, which reopened this rulemaking for this purpose.

4. No comments were filed during the comment period.

5. It is reasonable to adopt the proposed amendment to Rule 3.4, as shown in the appendix, as originally proposed.

Conclusions of Law

1. The Commission should adopt the proposed amendment to Rule 3.4.
2. In order to complete the adoption process promptly, this order should be effective immediately.
3. This order is exempt from public review and comment pursuant to Pub. Util. Code § 311(g)(3) and Rule 77.7(f)(8).
4. This rulemaking should be closed.

O R D E R

IT IS ORDERED that:

1. The amendment to Rule 3.4 of the Rules of Practice and Procedure, as shown in the appendix to today's decision, is adopted.
2. The Chief Administrative Law Judge shall take all appropriate steps to submit the newly adopted rule to the Office of Administrative Law and may make such format changes as are appropriate for printing the newly adopted rule in the California Code of Regulations.
3. Rulemaking 05-07-015 is closed.

This order is effective today.

Dated June 15, 2006, at San Francisco, California.

MICHAEL R. PEEVEY
President
GEOFFREY F. BROWN
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
Commissioners

APPENDIX

Article 2. Filing of Documents

3.4 (Rule 3.4) Daily Calendar

A Daily Calendar of newly filed proceedings and proceedings set for hearings shall be available for public inspection at the Commission's San Francisco and Los Angeles offices. The Daily Calendar shall indicate the time and place of the next three regularly scheduled Commission meetings. ~~Printed copies of the Daily Calendar may be obtained by subscription at such price as may be established by the Commission.~~ Electronic access to the Daily Calendar is available at the Commission's website (www.cpuc.ca.gov).

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution.

(END OF APPENDIX)